

CAROLYN R. DOUGLAS
Claimant

BOEING COMPANY

AND

AMERICAN MANUFACTURERS MUTUAL INS.

Docket No. 225,229

Based upon the evidence presented and for the purpose of preliminary hearing, the Appeals Board finds as follows:

The first issue raised by claimant dealing with the denial of temporary total disability benefits is not an issue which can be raised upon appeal to the Appeals Board from a preliminary hearing. See K.S.A. 44-534a, as amended. Therefore, claimant's appeal on this issue is dismissed.

With regard to the cause of claimant's ongoing need for medical benefits, the Appeals Board, after considering the medical reports of both Dr. Ernest R. Schlachter and Dr. Bernard F. Hearon, finds that claimant has failed to prove that her upper extremity complaints are related to the injury of September 26, 1996.

Claimant alleges accidental injury on September 26, 1996, when she sustained a crush type of injury to the middle finger of her right hand. After the injury, claimant began complaining of upper extremity symptomatology bilaterally. It is significant that claimant had an upper extremity bilateral workers compensation injury in 1993. At that time she was examined by Dr. Schlachter, who diagnosed overuse syndrome of both upper extremities and overuse syndrome of the right cervical spine and shoulder girdle. Claimant was rated at a 12 percent whole person impairment and shortly thereafter settled that claim as to all issues.

After the September 26, 1996, accident, claimant was again examined by Dr. Schlachter who found that the claimant's current problems were a natural and probable consequence of the injuries diagnosed in 1993. In addition, Dr. Hearon in his report of November 26, 1996, advised claimant that she suffered no sequelae from her right-hand injury two months prior. He stated that any numbness in her right hand would be coincidental to the September injury and not related to the hand trauma.

After considering both the reports of Dr. Hearon and Dr. Schlachter, the Appeals Board finds that the Order by Administrative Law Judge Jon L. Frobish denying claimant benefits should be affirmed in all respects.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Jon L. Frobish dated October 28, 1997, should be, and is hereby, affirmed in all respects.

IT IS SO ORDERED.

Dated this ____ day of December 1997.

BOARD MEMBER

c: David M. Bryan, Wichita, KS
Eric K. Kuhn, Wichita, KS
Jon L. Frobish, Administrative Law Judge
Philip S. Harness, Director